

Linda Reinstein
President
Asbestos Disease Awareness Organization
1525 Aviation Boulevard, Suite 318
Redondo Beach, California 90278

Dear Ms. Reinstein:

Thank you for your April 9, 2019 letter regarding the recent efforts of the U.S. Environmental Protection Agency (EPA) to protect the public from the health risks associated with asbestos, including increased risk of cancer. It was a pleasure to speak with you the day the Agency published its final rule: “Restrictions on Discontinued Uses of Asbestos; Significant New Use Rule” (SNUR).

Commented [NPCD1]: From talking points.

Commented [NPCD2]: A note in the talking points indicated that this phrasing was requested by Nancy Beck.

As we discussed, the SNUR strengthens EPA’s regulations to protect all Americans from asbestos and expands on the 1989 partial asbestos ban. It targets uses of asbestos that are not already prohibited under the Toxic Substances Control Act (TSCA) or in use in the United States and ensures that otherwise unregulated uses of asbestos undergo EPA evaluation before they are made, sold, or distributed. In the absence of the asbestos SNUR, manufacturing, importing, or processing of asbestos (including as part of an article) for the significant new uses identified in the rule may begin at any time without prior notice to EPA. This rule is one way EPA is protecting public health.

Commented [NPCD3]: From talking points.

Commented [EW4]: How about also working this in (or part about prohibition) somehow, it’s from rule preamble. “This action prohibits these discontinued uses of asbestos from restarting without EPA having an opportunity to evaluate each intended use (*i.e.*, significant new use) for potential risks to health and the environment and take any necessary regulatory action, which may include a prohibition.”

Though may have to acknowledge she notes this in her letter and then more or less discounts it.

As you may know, TSCA section 6(b)(4), as amended by the 2016 Frank R. Lautenberg Chemical Safety for the 21st Century Act, requires EPA to establish a risk evaluation process. In performing risk evaluations for existing chemicals, EPA is directed to “determine whether a chemical substance presents an unreasonable risk of injury to health or the environment, without consideration of costs or other non-risk factors, including an unreasonable risk to a potentially exposed or susceptible subpopulation identified as relevant to the risk evaluation by the Administrator under the conditions of use.” The Agency is currently conducting a risk evaluation for asbestos and, as per TSCA, EPA cannot pursue risk management actions, including a ban, until the risk evaluation is complete and only if unreasonable risk to health or the environment is found for the few remaining on-going uses. The draft and final risk evaluations are expected to be released in Summer 2019 and late 2019, respectively.

Again, thank you for your letter. If you have further questions, please contact Tanya Hodge Mottley, Director of the National Program Chemicals Division, at 202-564-3152 or mottley.tanya@epa.gov.

Sincerely,

Alexandra Dapolito Dunn, Esq.

Assistant Administrator